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John S. Hendricks

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06/29/2009

BANNER & WITCOFF, LTD

ATTORNEYS FOR CLIENT NUMBER 007412

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 6/16/09 have been fully considered but they are not persuasive.

Page 4, paragraph beginning with "Contrary":

The applicant argues that Wachob does not teach a method for managing group assignment rules by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal." The applicant agrees that Wachob teaches a method for modifying a locally assigned group demographic, but this assigned group is not assigned remotely (column 7, lines 37-60). Wachob is used to modify the teaching of McKenna, which teaches remotely assigned groups (column 10, line 64 to column 11, line 4). McKenna also teaches where multiple group assignments can be assigned to a household (column 19, lines 9-15). It is the opinion of the examiner that one would use the demographic modifying taught by Wachob (column 7, lines 37-60; figure 2) to select a first user group and then override that group by selecting another group. This overriding would be overriding the remotely assigned group that is taught by McKenna and would therefore meet the claimed limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

JS